

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

Page 1

1 SUPREME COURT:
2 ALL COUNTIES WITHIN THE STATE OF NEW YORK
3 IN RE: NEW YORK CITY ASBESTOS LITIGATION
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7 DEPOSITION UNDER ORAL VIDEO
8 EXAMINATION OF
9 SALVATORE GITTO
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14 This Document Applies To:

15 SALVATORE GITTO

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Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

<p style="text-align: right;">Page 2</p> <p>1 2 Transcript of the video deposition of the 3 witness, called for Oral Examination in the 4 above-captioned matter, said deposition being taken 5 pursuant to Federal Rules of Civil Procedure by and 6 before DORENE MAROTTA, CSR, a Notary Public and 7 Certified Shorthand Reporter, at the home of the 8 Plaintiff, 324 95th Street, Brooklyn, New York, on 9 Thursday, June 7, 2007, commencing at approximately 10 12:15 in the afternoon. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES 2 MCGUIRE WOODS, LLP 1345 Avenue of the Americas 3 7th Floor New York, New York 10105 4 BY: SARAH SCHAEFFER-ROTH, ESQ. Attorneys for Defendant, American Standard 5 6 DARGER & ERRANTE, LLP 7 116 East 27th Street, 12th Floor New York, New York 10015 8 BY: ROBERT BOATTI, ESQ. Attorneys for Defendant, Hopeman Brothers 9 10 HOAGLAND, LONGO, MORAN, DUNST & DOUKAS, LLP 11 40 Paterson Street New Brunswick, New Jersey 08903 12 BY: BRUCE MCCOY, ESQ. Attorneys for Defendant, Johnston Boiler 13 14 LEADER & BERKON, ESQS. 15 630 Third Avenue New York, New York 10017 16 BY: DANIELLE CENEUS, ESQ. Attorneys for Defendant, IMO Industries 17 18 SEGAL, MCCAMBRIDGE, SINGER & MAHONEY, LTD. 19 805 Third Avenue, Suite 400 New York, New York 10022 20 BY: ARLENE GHARABEGIE, ESQ. Attorneys for Defendants, Garlock, Anchor, Gardner 21 Denver, Fairbanks, Morse Pump 22 23 CLEMENTE MUELLER, PA 218 Ridgedale Avenue 24 Morristown, New Jersey 07962-1296 BY: MATTHEW SAMPAR, ESQ. 25 Attorneys for Defendant, Durabla</p>
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Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

Page 6

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Page 8

1 IT IS HEREBY STIPULATED AND AGREED by
2 and between the attorneys for the respective parties
3 hereto that filing, sealing and certification of the
4 within Examination Before Trial be waived; that all
5 objections, except as to form, are reserved to the
6 time of trial.
7 IT IS FURTHER STIPULATED AND AGREED
8 that the transcript may be signed before any Notary
9 Public with the same force and effect as if signed
10 before a Clerk or Judge of the Court.
11 IT IS FURTHER STIPULATED AND AGREED
12 that the within examination may be utilized for all
13 purposes as provided by the CPLR.
14 IT IS FURTHER STIPULATED AND AGREED
15 that all rights provided to all parties by the CPLR
16 shall not be deemed waived and the appropriate
17 sections of the CPLR shall be controlling with
18 respect thereto.
19 IT IS FURTHER STIPULATED AND AGREED
20 by and between the attorneys for the respective
21 parties hereto that a copy of this Examination shall
22 be furnished, without charge, to the attorney
23 representing the witness testifying herein.
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Page 7

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Page 9

1 INDEX
2 WITNESS NAME PAGE NO.
3 SALVATORE GITTO
4 Examination by MR. BLOCK 10
5
6
7 EXHIBITS
8 EXHIBIT DESCRIPTION PAGE
9 P-4 Document 51
10 P-5 Photograph 53
11 P-6 Photograph 53
12 P-7 Photograph 53
13 P-8 Photograph 53
14
15 8(a) Photograph 66
16 *** See page 57 regarding marking
17
18 P-9 Photograph 66
19 P-10 Photograph 66
20 P-11 Photograph 66
21
22
23
24
25

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

<p style="text-align: right;">Page 10</p> <p>1 THE VIDEOGRAPHER: Today's date is June 2 7, 2007. The time is 12:18 p.m. My name is 3 Jim Bradey. I'm the videographer. I'm from 4 Certified Video Productions. I ask now that 5 the court reporter please swear in the 6 witness. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 12</p> <p>1 current home? 2 A. Since 1988. 3 Q. And who do you live here with, Mr. Gitto? 4 A. My wife, Phyllis. 5 Q. And approximately how long have you been 6 married to your wife Phyllis? We don't need the 7 exact numbers. 8 A. Fifty-three years. 9 Q. Okay. That's pretty exact. 10 Do you and Phyllis have children? 11 A. Three. 12 Q. And do you have grandchildren? 13 A. Seven. 14 Q. Mr. Gitto, are you a veteran of the 15 United States Army? 16 A. I am. 17 Q. And are you a veteran of the United 18 States Navy? 19 A. U.S. Army. 20 Q. Okay. Did you also -- were you also 21 employed by the Navy during your life? 22 A. Thirty-five years. 23 Q. Mr. Gitto, I'd like to take you back to 24 the year 1951, okay? 25 A. Um-hum.</p>
<p style="text-align: right;">Page 11</p> <p>1 SALVATORE GITTO, 2 called as a witness, having been first duly sworn by 3 a Notary Public of the State of New York, was 4 examined and testified as follows: 5 EXAMINATION BY 6 MR. BLOCK: 7 Q. Good afternoon, Mr. Gitto. 8 A. Good afternoon. 9 Q. Hi. As you know, my name is Jerome 10 Block, and I'm one of the attorneys representing you 11 in this case. Mr. Gitto, I'm going to try to keep my 12 voice up, because I know that recently, you've been 13 having trouble hearing, and please let me know if I 14 should speak louder at any time. Okay? 15 A. Okay. 16 Q. Mr. Gitto, where are we today? 17 A. We're located in my home at 324 95th Street, 18 Brooklyn, New York. 19 Q. And what neighborhood in Brooklyn are we 20 in right now? 21 A. Bay Ridge, Brooklyn. 22 Q. And have you lived in Bay Ridge in 23 Brooklyn your whole life? 24 A. Essentially my whole life, yes. 25 Q. And how long have you lived in this</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. And did you begin employment with the 2 United States Navy in 1951? 3 A. Brooklyn Navy Yard, Brooklyn, New York. 4 Q. And approximately what month in 1951 did 5 you first begin work in the Brooklyn Navy Yard? 6 A. It was April of 1951. 7 Q. And, sir, what is your date of birth? 8 A. 11/5/32. 9 Q. So, at the time that you began at the 10 Brooklyn Navy Yard, you were still 18 years old? 11 A. Yes. 12 Q. Why did you decide to begin work at the 13 Brooklyn Navy Yard in April 1951? 14 A. There were employment opportunities that were 15 paying better than other opportunities in the area, 16 and I was looking to learn a trade. 17 Q. And was this during a time of war? 18 A. The Korean War had started in June of 1950. 19 Q. And how, if at all, was the Brooklyn Navy 20 Yard assisting the war effort at the time you began 21 with the Brooklyn Navy Yard in April of 1951? 22 A. Absolutely. They were mobilizing and bringing 23 ships in to come ready to participate in the 24 conflict, yes. 25 Q. And --</p>

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

Page 14

1 A. And there was new construction going on also.
2 Q. And how did you feel about that?
3 A. I wanted to become part of it.
4 Q. You said that working at the Brooklyn
5 Navy Yard also was a decent employment opportunity
6 back then?
7 A. Yes.
8 Q. And do you recall what your pay was per
9 day?
10 A. Exactly \$9.44 a day.
11 Q. When you began at the Brooklyn Navy Yard,
12 what position or job title did you start in?
13 A. I had competed for a job as an apprentice
14 shipfitter, and I was successful and was employed.
15 Q. And how long is the apprentice program
16 for a shipfitter?
17 A. It's a four-year formal program, which
18 includes one week of formal schooling every month.
19 Q. And can you describe just generally, as
20 best you can, what a shipfitter does with regard to
21 shipbuilding or ship repair?
22 A. I like to compare it to the equivalent of a
23 carpenter in the construction industry. Build the --
24 put the flooring in, put the walls in, put the
25 ceiling in, put the doors on, put the lath, put the

Page 15

1 staircases in, and generally it's work that's done
2 with structural steel.
3 Q. How, if at all -- strike that. How, if at
4 all, is the building of foundations on a ship part of
5 the trade of shipfitter?
6 A. All the equipment on a ship is mounted on some
7 sort of foundation. The responsibility for the
8 installation of those foundations, the location of
9 those foundations, are a shipfitter's responsibility.
10 Q. Now, did there come a point in time when
11 you were drafted into the Army?
12 A. December 1952.
13 Q. Okay. And at that time, was your
14 apprenticeship program at the Brooklyn Navy Yard
15 interrupted?
16 A. Yes.
17 Q. And did you serve in the United States
18 Army?
19 A. For two years.
20 Q. When were you -- do you recall exactly
21 when you were discharged from the Army?
22 A. December 1954, from active duty. I still had
23 reserve time to serve.
24 Q. And what type of discharge was it?
25 A. Honorable.

Page 16

1 Q. Can you tell the jury what you did in the
2 Army and where you did your service?
3 A. I wound up in the medical service. I was
4 trained as an X-ray technician. Served two years in
5 Fort Belvoir, Virginia as an X-ray tech working in
6 the Army hospital down there.
7 Q. After you were honorably discharged from
8 the Army, did you return to the Brooklyn Navy Yard?
9 A. Yes.
10 Q. And, at that point in time, did you
11 continue your apprenticeship in the trade of
12 shipfitter?
13 A. Yes.
14 Q. Do you recall when you completed your
15 shipfitter apprenticeship?
16 A. It would have been an additional two more
17 years for a total of six years.
18 Q. Okay. Let me show you what has been
19 previously marked and discussed as Exhibit D-1 to
20 your deposition.
21 A. Um-hum.
22 Q. Do you recognize Exhibit D-1?
23 A. Yes. This is my certificate of completion as
24 an -- my apprenticeship program in April of 1957.
25 Q. And is that a true and accurate copy of

Page 17

1 the original certificate that you've kept in your
2 possession to this day?
3 A. Yes.
4 Q. Can you just show that to the camera so
5 it can be seen?
6 (Witness complying with request)
7 Q. And the certificate reflects that you
8 completed your apprenticeship as a shipfitter on or
9 about April 29th, 1957. Is that consistent with your
10 recollection?
11 A. Yes.
12 Q. After you became a shipfitter or --
13 strike that.
14 When did you leave the Brooklyn Navy
15 Yard?
16 A. When it closed in nineteen -- May of 1966.
17 Q. Okay. And were you a shipfitter up until
18 the time that you left the Brooklyn Navy Yard in
19 about May 1966?
20 A. No. I had received the promotion to
21 shipbuilding inspector, shipbuilding and hull
22 machinery inspector.
23 Q. And was that several years -- did that
24 promotion occur several years before you left the
25 Brooklyn Navy Yard?

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

<p style="text-align: right;">Page 18</p> <p>1 A. Yes.</p> <p>2 Q. And your title of ship inspector, was</p> <p>3 that a title that included certain parts of the ship</p> <p>4 or certain subjects?</p> <p>5 A. Generally, it included the -- it didn't really</p> <p>6 get involved with -- other than -- there were</p> <p>7 specific areas that shipfitters focused on. One</p> <p>8 instance would be the anchor would be the</p> <p>9 responsibility of a shipfitter. The steering gear</p> <p>10 would be the responsibility or shipfitter work. The</p> <p>11 transfer of fuel to personnel would be the</p> <p>12 responsibility of a shipfitter.</p> <p>13 Q. In your work as a shipfitter, what, if</p> <p>14 any, responsibility did you have with regard to</p> <p>15 machinery?</p> <p>16 A. In the machinery spaces, all of the equipment</p> <p>17 was mounted on foundations. It was shipfitter</p> <p>18 responsibility to see that these foundations were in</p> <p>19 the accurate location, that they were in good shape</p> <p>20 and that they served the function that they were</p> <p>21 meant to serve, that they were in according to the</p> <p>22 blueprints and specifications.</p> <p>23 Q. Mr. Gitto, I now want to ask you some</p> <p>24 questions about your work at the Brooklyn Navy Yard</p> <p>25 during your entire career there during the years 1951</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Now, can you describe for us, Mr. Gitto,</p> <p>2 what type of work, if any, you did during the new</p> <p>3 constructions of ships at the Brooklyn Navy Yard</p> <p>4 relating to equipment?</p> <p>5 A. Well, relating to equipment, a ship is built</p> <p>6 up, as you know, from the keel up, and then they</p> <p>7 start putting structural members, steel beams. They</p> <p>8 start building engine spaces and different spaces</p> <p>9 where equipment goes into, and I would have been</p> <p>10 involved with that build-up of the ship's structure</p> <p>11 and then any foundations that might have -- that the</p> <p>12 equipment might have had to be mounted on on the</p> <p>13 inside of the ship.</p> <p>14 Q. Why did equipment have to be put on</p> <p>15 foundations on a Navy ship?</p> <p>16 A. It was the way they secured it to the ship,</p> <p>17 otherwise it would move around, roll around, become a</p> <p>18 danger to a person's health or damage of the</p> <p>19 equipment. Had to be secured.</p> <p>20 Q. Throughout your career at the Brooklyn</p> <p>21 Navy Yard, did you build foundations for valves?</p> <p>22 A. Yes.</p> <p>23 Q. And throughout your career at the</p> <p>24 Brooklyn Navy Yard, did you build foundations for</p> <p>25 turbines?</p>
<p style="text-align: right;">Page 19</p> <p>1 and 1952 and also during the years 1954 through 1966,</p> <p>2 okay? Now, during your years at the Brooklyn Navy</p> <p>3 Yard, did you do work on new construction of ships?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And, as you sit here today, do you recall</p> <p>6 some of these ships that you did new construction on</p> <p>7 at the Brooklyn Navy Yard?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And can you identify those for the jury?</p> <p>10 A. There are two that I recall, the U.S.S.</p> <p>11 Constellation and the U.S.S. Saratoga. For the</p> <p>12 first -- CV-60 was the Saratoga, and it was the first</p> <p>13 new construction ship. There might have been --</p> <p>14 there was a new type of ship also, landing personnel</p> <p>15 built for the Marine Corps, the OPDs. I think U.S.S.</p> <p>16 Raleigh was one of them.</p> <p>17 Q. And were there other ships other than the</p> <p>18 Constellation, the Saratoga and the Raleigh in which</p> <p>19 you did work on new construction at the Brooklyn Navy</p> <p>20 yard?</p> <p>21 A. There may have been. I don't recall the names</p> <p>22 offhand.</p> <p>23 Q. Okay.</p> <p>24 A. Oh, I'm sorry. There was one more. Excuse</p> <p>25 me. The Independence. CV-62 was a new -- new ship.</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Yes.</p> <p>2 Q. Throughout your career at the Brooklyn</p> <p>3 Navy Yard, did you build foundations for compressors?</p> <p>4 A. Yes.</p> <p>5 Q. Throughout your career at the Brooklyn</p> <p>6 Navy Yard, did you build foundations for pumps?</p> <p>7 A. Yes.</p> <p>8 Q. What would happen, Mr. Gitto, after you</p> <p>9 built the foundations for this type of equipment on a</p> <p>10 ship? What would happen next in the process?</p> <p>11 A. The next trade that would come along would</p> <p>12 probably be machinists, outside machinists that were</p> <p>13 responsible for the installation and the operation of</p> <p>14 their particular equipment, and they would start</p> <p>15 doing their things, like shimmying and lining up</p> <p>16 various piping and electrical wiring. Again,</p> <p>17 electricians would be part of the operation,</p> <p>18 machinists. Pipe fitters would fit all the piping</p> <p>19 to -- pipe coverers that would protect the piping,</p> <p>20 insulate it.</p> <p>21 Q. What, if anything, would the pipe</p> <p>22 coverers or ladders do with regard to the surface of</p> <p>23 the equipment, of the types of equipment that you've</p> <p>24 referred to?</p> <p>25 A. To my knowledge, they were covered with</p>

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

<p style="text-align: right;">Page 22</p> <p>1 asbestos pipe covering or insulation for protection. 2 Q. And where would you be, sir, when pipe 3 coverers were -- or ladders were insulating this 4 equipment? 5 MS. MITTLEMAN: Objection. 6 A. In the general area. 7 Q. And -- 8 A. No one specific location. 9 Q. And were you -- 10 A. My jobs took me from all over. 11 Q. And were you able to observe the 12 conditions in the air when the type of equipment 13 you've referred to was being insulated? 14 MS. MITTLEMAN: Objection. 15 A. Yes. 16 Q. And can you describe the conditions in 17 the air when the insulators would be insulating the 18 surface of the equipment that you've referred to? 19 MS. MITTLEMAN: Objection. 20 MS. WAYNE: Form. 21 MR. HANNAN: Objection. 22 A. Usually dusty and dirty and filled with 23 fibers. 24 Q. And when I say the equipment that you've 25 referred to before -- that you've referred to</p>	<p style="text-align: right;">Page 24</p> <p>1 have to pass cool water around the piece of equipment 2 to keep it at a desired temperature. That piping I 3 would classify as associated piping or... 4 Q. In your mind, does associated piping 5 include piping that would come with the equipment? 6 MS. WAYNE: Objection to form. 7 MS. MITTLEMAN: Objection. 8 A. May or may not. 9 Q. Sir, during your years at the Brooklyn 10 Navy Yard, did you also work on ships that were being 11 taken out of mothballs? 12 A. Yes. 13 Q. And can you describe to the jury what it 14 means for a ship to be taken out of mothballs? 15 A. I think essentially after World War II, they 16 had an excess of a number of ships that weren't in 17 their current need. In order not to -- in order to 18 preserve those ships in case of an emergency, they 19 went through a process called mothballing, so that 20 they could easily be recovered in a short period of 21 time and be put back in service. That process meant 22 a lot of preserving, a lot of covering and coating 23 and covering the holes that -- the ship had numerous, 24 numerous holes in them, and they all had to be 25 sealed. Ship was then coated in cosmaline (phonetic)</p>
<p style="text-align: right;">Page 23</p> <p>1 previously, would that include pumps? 2 MR. HANNAN: Objection. 3 MS. MITTLEMAN: Objection. 4 A. Yes. 5 Q. Would it include valves? 6 A. Yes. 7 Q. Would it include turbines? 8 MS. WAYNE: Form. 9 A. Yes. 10 Q. And would it include compressors? 11 MS. MITTLEMAN: Objection. 12 A. Yes. 13 Q. Earlier in your testimony today, you were 14 asked about associated piping. Do you remember that? 15 The term "associated piping." 16 A. Um-hum. 17 Q. And can you describe the function of 18 associated piping or -- strike that. 19 Can you just tell us what that means, 20 "associated piping," in your mind. 21 MS. MITTLEMAN: Objection. 22 MR. STEINBAUER: Form. 23 A. It may not be piping that's directly involved 24 in the operation of that particular machine, but 25 maybe -- it may be a cooling function that they might</p>	<p style="text-align: right;">Page 25</p> <p>1 or some other protective device and put in some 2 remote area and was, in fact, used during some 3 subsequent conflicts. 4 Q. And do you recall the name of any 5 particular ships that you worked on when the ship was 6 being taken out of mothballs? 7 A. There were a couple of them. The New Jersey 8 was one that comes to mind that was mothballed. 9 Another one was the battleship Missouri. I'm pretty 10 sure that was mothballed and taken out, and I worked 11 on it. 12 Q. Were there other ships that you worked on 13 that were taken out of mothballs where you can't 14 specifically identify that ship as you sit here right 15 now? 16 A. Yes. 17 Q. Now, Mr. Gitto, what work did you perform 18 on ships that were being taken out of mothballs at 19 the Brooklyn Navy Yard that related to equipment in 20 any way? 21 A. Main function was to uncover all the holes 22 that were sealed and make sure that they were clear 23 and that fluid is able to flow through them; but in 24 addition to that, if there was any new equipment that 25 was being installed, to assure that it was located,</p>

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

<p style="text-align: right;">Page 26</p> <p>1 there was room for new equipment and that it was in 2 the proper location. It was a new location that was 3 designated, and that meant rebuilding the foundation, 4 welding, cutting and tack welding it to be 5 permanently welded to the deck. 6 Q. How common, if at all, was it for 7 equipment to be replaced during the process of taking 8 a ship out of mothballs? 9 A. Fairly common. 10 Q. In your work on ships that were being 11 taken out of mothballs, were you present when pumps 12 were replaced? 13 MR. HANNAN: Objection 14 A. Yes. 15 Q. Were you present when valves were 16 replaced? 17 A. Yes. 18 Q. Were you present when turbines were 19 replaced? 20 MS. WAYNE: Form. 21 A. Yes. 22 Q. And were you present when compressors 23 were replaced? 24 MS. MITTLEMAN: Objection. 25 A. Yes.</p>	<p style="text-align: right;">Page 28</p> <p>1 ship being taken out of mothballs? 2 MS. MITTLEMAN: Objection. 3 A. Well, I had to assure that the old equipment 4 that was on there was taken off and properly disposed 5 of, and I would acquire services usually of a burner, 6 an acetylene torch. Would come along and burn the 7 bottom physically and remove the foundation. 8 Electrician would then come along and remove the old 9 bundle of wires. Pipe fitter come and remove his 10 piping. Lagger would remove his insulation, and we'd 11 have to start with a clean start and lay out a new 12 area where the equipment belonged. 13 Q. How would the insulation be removed from 14 old equipment as you observed it? 15 MS. MITTLEMAN: Objection. 16 MR. HANNAN: Objection. 17 A. Usually in a destructive manner. Since it was 18 all being scrapped, they would come along with their 19 acetylene torches, burn the stuff off, chip it off, 20 rip it off with a hammer. Whatever was the easiest 21 way for them to remove it. 22 Q. And what would the conditions be like in 23 the vicinity of that insulation as you observed it? 24 MS. MITTLEMAN: Objection. 25 MR. HANNAN: Objection.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. Now, sir -- strike that. 2 What, if anything, would you have to do 3 with regard to determining whether the foundation in 4 the ship was suitable for a piece of equipment when a 5 ship was being taken out of mothballs? 6 A. Have to get the current specification and 7 drawing, and check the actual location against the 8 new requirement. 9 Q. And if the foundation was not suitable, 10 what would you have to do? 11 A. Probably remove the old foundation and all the 12 associated piping and electrical connections and 13 prepare it for new installation by various trades. 14 Q. And how common, if at all, was that when 15 you were doing work taking ships out of mothballs? 16 A. Fairly common. The configuration of equipment 17 changed considerably. We're talking a period of 18 three in the end of World War II and the start of the 19 Korean War. Period of five years. Equipment 20 changed. Configurations changed. A pipe came out 21 this side of a pump, now it came out this side of a 22 pump. You would need new foundation, new piping, new 23 electrical wiring. So, it's fairly common. 24 Q. Now, what, if anything, would you be 25 doing when this old equipment would be removed from a</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Horrible. Dusty, dirty. Fibers, could 2 breathe the dust in. The room was so bad you could 3 hardly see your hand in front of your face. The 4 ventilation was very poor. 5 Q. Let me ask you as a separate question. 6 How was the ventilation in these spaces of the ship 7 where old equipment was being removed? 8 MS. WAYNE: Objection. 9 A. Very poor. 10 Q. Would large pieces of equipment ever have 11 to be taken apart or broken down in preparation for 12 removal from the ship? 13 MS. MITTLEMAN: Objection. 14 MR. HANNAN: Objection. 15 MR. STEINBAUER: Objection. 16 A. Yes. 17 Q. And did you observe pumps being broken 18 down before they'd be removed from ships? 19 MS. MITTLEMAN: Objection. 20 MR. HANNAN: Objection. 21 MR. STEINBAUER: Objection. 22 A. Yes. 23 Q. Did you observe valves being broken down 24 before they'd be removed from ships? 25 A. All kinds of equipment, yes.</p>

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

Page 30

1 Q. And would that also include turbines and
2 compressors?
3 MS. WAYNE: Objection to form.
4 MS. MITTLEMAN: Objection.
5 MR. STEINBAUER: Objection.
6 A. All kinds of equipment.
7 Q. What would the different trades use --
8 strike that.
9 And did you observe that, sir?
10 A. Yes, sir.
11 Q. What did you observe the various trades
12 using to break a piece of equipment apart before it
13 would be in preparation for removal from the ship?
14 MS. MITTLEMAN: Objection.
15 MR. HANNAN: Objection.
16 A. Depended on the equipment. Anything from an
17 acetylene torch to chipping hammer to more --
18 anything to make the piece small enough so they could
19 be sent up, because these spaces were usually buried
20 in the bowels of the ship and have to be raised and
21 taken off the ship, you know, greater height.
22 Q. Now, when new equipment was then being
23 put in when a ship was being taken out of mothballs,
24 would you build a foundation?
25 A. If it was necessary, yes.

Page 31

1 Q. Sometimes could you just repair the
2 foundation?
3 A. Yes.
4 Q. Again, what would be the process once you
5 set up the foundation? What would be the process
6 with regard to the new equipment?
7 MS. MITTLEMAN: Objection.
8 A. Once I finished with my portion, assured
9 myself and my associates that the foundation was in
10 the proper location, there'd usually be a series of
11 holes that had to be drilled on the equipment into
12 the foundation. So, the outside machinists were the
13 ones that were responsible for that particular
14 function, and then the process would begin.
15 Electricians would come in, start laying out the
16 wires that they needed. Pipe fitters would lay out
17 the piping. Ventilation people sometimes had to be
18 involved if there was interference with the existing
19 ventilation, and the process would go on until the
20 equipment got installed. Installation was usually
21 handled by a trade group called the riggers. They
22 would be responsible for the lifting, securing of
23 that piece of equipment so it landed on the
24 foundation.
25 Q. Earlier you testified that you would be

Page 32

1 in the vicinity when the new pieces of equipment were
2 being insulated. Do you recall that?
3 A. All the time. They would need -- possibly
4 need the services of a shipfitter to move a stanchion
5 that might have been in the way or a door was too
6 small, it had to be removed or a ladder had to be
7 taken off so they could put -- you had shipfitters
8 standing by when all of this was going on.
9 Q. Okay. And were those some of the reasons
10 why, as a shipfitter, you would still be in the area
11 when a new piece of equipment was being insulated?
12 MR. TOLA: Objection.
13 A. My job.
14 Q. Were there times when you were building
15 or repairing a new piece of equipment where there
16 were other pieces of equipment that were being
17 insulated in the same vicinity?
18 MS. MITTLEMAN: Objection.
19 MR. HANNAN: Objection.
20 A. Sure.
21 Q. How common, if at all, was that?
22 A. Fairly common. Half the time.
23 Q. Now, during your career at the Brooklyn
24 Navy Yard, did you also work on ships that were being
25 rehabilitated or modernized?

Page 33

1 A. Yeah. The Navy had a program called a FRAM,
2 Fleet Rehabilitation and Modernization program.
3 These mainly were destroyers, World War II destroyers
4 that were built during World War II, destroyers and
5 destroyer escorts, and most of them were 20, 30 years
6 old and pretty dilapidated. So, the Navy set up a
7 program to rehabilitate these type of vessels and
8 make them into, I guess, mostly radar picket ships,
9 submarine, anti-submarine warfare and that type. So,
10 there were extensive ships came in, fairly extensive
11 time. I don't recall exactly how long, but there
12 were -- a lot of work was done. There was a lot of
13 ripping out and building up pieces that were
14 deteriorated. Actually pieces of the shell of the
15 ship that were rotted through. That's how long they
16 were out there.
17 Q. Was this type of work, I believe you
18 mentioned, known as FRAM overhauls?
19 A. FRAM.
20 Q. And that's an acronym. What does that --
21 F-R-A-M --
22 A. Fleet rehabilitation and modernization.
23 Q. And do you remember any specific ships
24 that you worked on doing a FRAM overhaul?
25 A. There were a number of ships. I don't

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

<p style="text-align: right;">Page 34</p> <p>1 remember all of the names. Actually, one or two 2 stick out in my mind. The Putnam and I believe the 3 Mackenzie is another one that I spent a fair amount 4 of time on. It wasn't like you were assigned to one 5 ship and stayed on it for a year. You might work on 6 it for a day or a week and go to another ship. It's 7 a little difficult to remember all the names. 8 Q. Okay. Other than the Putnam and the 9 Mackenzie, were there other FRAM overhauls that you 10 worked on which involved destroyers and destroyer 11 escorts at the Brooklyn Navy Yard? 12 A. Many of them. 13 Q. And what, if any, work with FRAM 14 overhauls related to equipment? 15 A. In a very similar manner to the work that I 16 was doing on new construction would be the type of 17 work I would be doing on a FRAM. Checking the old 18 foundations, any new equipment that needed 19 relocation, built up a new foundation, and any other 20 associated type of work that had to do with 21 deterioration or rebuilding of the ship to make it 22 serviceable again. 23 Q. Would the work that you performed in the 24 removal of old equipment and the installation of new 25 equipment in FRAM overhauls be the same as you've</p>	<p style="text-align: right;">Page 36</p> <p>1 equipment installed when you did work in FRAM 2 overhaul similar to what you described previously 3 when a ship was being taken out of mothballs? 4 MS. MITTLEMAN: Objection. 5 MR. HANNAN: Objection. 6 A. Very similar. Actually, if I had to say there 7 was a difference, the ships that were in the 8 mothballs might have been dirtier and accumulated 9 more dust. Just a dirtier work environment because 10 of the length of time that they were using... 11 Q. Okay. You were asked earlier today about 12 Vicker valves. Do you recall that testimony? 13 A. Um-hum. 14 Q. And did you work around Vickers valves on 15 Navy ships throughout your career at the Brooklyn 16 Navy Yard? 17 A. Yes. 18 Q. You were also asked about Vickers pumps. 19 Did you work around Vickers pumps on Navy ships 20 throughout your career at the Brooklyn Navy Yard? 21 A. Yes. 22 Q. And was the type of work that you did in 23 the vicinity of Vickers valves and pumps at the 24 Brooklyn Navy Yard what you have described in your 25 testimony on this videotape today?</p>
<p style="text-align: right;">Page 35</p> <p>1 described previously in your testimony? 2 MS. WAYNE: Objection, foundation. 3 MS. MITTLEMAN: Objection. 4 MR. STEINBAUER: Objection. 5 MR. HANNAN: Objection. 6 A. Very much the same. 7 Q. How, if at all, did your work on the 8 removal of old equipment differ when you were 9 involved in a FRAM overhaul as compared to when a 10 ship was being taken out of mothballs? 11 MS. WAYNE: Objection to form. 12 A. I can't think of any differences. The work 13 was very, very similar. 14 Q. And how, if at all, did your work in 15 assisting with the installation of new equipment 16 differ, if at all, with a FRAM overhaul versus taking 17 a ship out of mothballs, which you described earlier? 18 A. The process was very similar. We checked, we'd 19 see if the foundation's in the proper location. If 20 it wasn't, it had to be removed. Everything 21 associated would have to change and would have to be 22 rebuilt again if it needed. So, the process is very 23 similar. 24 Q. And were the conditions that you observed 25 when old equipment was being taken out and new</p>	<p style="text-align: right;">Page 37</p> <p>1 A. Yes. 2 MR. STEINBAUER: Form. 3 Q. Sir, I believe counsel -- strike that. 4 Sir, did you work around Ingersoll-Rand 5 pumps on Navy ships throughout your career at the 6 Brooklyn Navy Yard? 7 MS. MITTLEMAN: Objection to form. 8 Q. There was an objection, so let me phrase 9 it a little different. 10 How often did you work on Ingersoll-Rand 11 pumps on Navy ships during your career at the 12 Brooklyn Navy Yard? 13 A. They were pretty common pumps. They were all 14 over the ship. So, it was quite often. If I was in 15 the area. 16 Q. Have you described on this videotape 17 today the type of work you would be doing around 18 Ingersoll-Rand pumps? 19 A. Similar to what I've testified to before. 20 Q. Sir, did you work around Ingersoll-Rand 21 compressors on Navy ships throughout your career at 22 the Brooklyn Navy Yard? 23 MS. MITTLEMAN: Objection. 24 A. Yes. 25 Q. There was an objection, so let me ask it</p>

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

Page 38

1 a little different.
2 How often, if at all, did you work around
3 Ingersoll-Rand compressors on Navy ships during your
4 career at the Brooklyn Navy Yard?
5 MS. MITTLEMAN: Objection.
6 A. Quite often.
7 Q. Have you described for the jury today on
8 this videotape the type of work that you did around
9 Ingersoll-Rand compressors during your career at the
10 Brooklyn Navy Yard?
11 A. Again, testified to similar operations. Would
12 check to see that the existing foundation and pump
13 were in the right location and didn't need any
14 modification or any changes made to it.
15 Q. Have you fully described the type of
16 conditions that you observed around Ingersoll-Rand
17 compressors on this videotape?
18 MS. MITTLEMAN: Objection.
19 A. I believe so.
20 Q. What, if anything, covered the surface of
21 the Ingersoll-Rand pumps?
22 MS. MITTLEMAN: Objection.
23 A. Usually was an asbestos blanket.
24 Q. And how, if at all, would that asbestos
25 blanket on the Ingersoll-Rand pumps be disturbed in

Page 39

1 your presence?
2 MS. MITTLEMAN: Objection.
3 A. If the pump had to be removed, the blanket had
4 to be removed first, and we had various means that we
5 used to take those blankets off, discard them.
6 Depended if they were never going to be used again.
7 Anything. It could have been anything.
8 Q. And what were some of the ways in which
9 you observed the asbestos blanket covering on
10 Ingersoll-Rand pumps being removed?
11 MS. MITTLEMAN: Objection.
12 A. I saw all kinds of destructive manners. I saw
13 them being burnt off, being ripped off, being
14 hammered off. Any way that they can be easily
15 removed was used.
16 Q. And what, if anything, did you observe in
17 the air when the Ingersoll-Rand pumps -- strike that.
18 What, if anything, did you observe in the
19 air when the asbestos blanket covering of the
20 Ingersoll-Rand pumps would be removed in what you've
21 referred to as a destructive manner?
22 MS. MITTLEMAN: Objection.
23 A. Destructive manner, it's usually observed
24 fiber floating in the air. The air was so thick and
25 dirty, like I said, you could almost move it with

Page 40

1 your hand.
2 Q. What, if anything, sir, covered the
3 surface of the Ingersoll-Rand compressors?
4 A. Again, similar blankets we used to cover the
5 surface with those.
6 Q. And would the manner in which the
7 asbestos blanket covering was removed from
8 Ingersoll-Rand compressors differ in any way than
9 what you've already described when that same covering
10 was removed from Ingersoll-Rand pumps?
11 MS. MITTLEMAN: Objection.
12 A. No.
13 Q. And did you personally observe the
14 asbestos blanket covering being removed from
15 Ingersoll-Rand compressors?
16 MS. MITTLEMAN: Objection.
17 A. Yes.
18 Q. Sir, did you work around Westinghouse
19 turbines on Navy ships throughout your career at the
20 Brooklyn Navy Yard?
21 A. I'm sure I did it, yes.
22 Q. Have you described for the jury on this
23 videotape today your observations working around
24 Westinghouse turbines?
25 MS. WAYNE: Form.

Page 41

1 A. I didn't have any specific responsibility on
2 the turbine, unless there was a particular problem
3 with a bracket, something protruding, but they would
4 pretty much handle it in the same manner as other
5 equipment that was being removed.
6 Q. Did you build foundations for
7 Westinghouse turbines?
8 A. I don't remember specifically, but my answer
9 would be yes, that would be the general type of work
10 that I did on all of the ships.
11 Q. And did you observe asbestos -- strike
12 that.
13 Based upon your observations, what, if
14 anything, covered the surface of Westinghouse
15 turbines?
16 A. Initially?
17 Q. Yes.
18 A. They were covered by asbestos blankets.
19 Q. And did you ever observe those asbestos
20 blankets being removed from Westinghouse turbines?
21 A. Yes.
22 Q. And could you describe that process in
23 which they would be removed?
24 A. Destructive manner, in most cases, if they
25 weren't being used again. If there was some reason

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

<p style="text-align: right;">Page 42</p> <p>1 that there was no problem, they'd try to preserve the 2 blanket. Otherwise, it got scrapped. 3 Q. And during the occasions on which you 4 observed the asbestos blanket covering being removed 5 from Westinghouse turbines in a destructive manner, 6 what did it look like? 7 MS. WAYNE: Form. 8 A. Destructive blanket. Piece of asbestos that's 9 probably torn and ripped and weathered, dirty, dusty. 10 Q. Okay. Sir, let me move to your time -- 11 strike that. 12 Sir, after you stopped working at the 13 Brooklyn Navy Yard, did there come a point in time 14 when you were employed -- strike that. 15 Sir, after your work at the Brooklyn Navy 16 Yard, did there come a time when you worked out of 17 the Grumman facility? 18 A. Yes. 19 Q. And where was that facility located? 20 A. Several locations. Primarily Bethpage, New 21 York. 22 Q. What was the primary facility that you 23 worked out of while you worked at the Grumman job 24 site? 25 A. There were several, because I held several</p>	<p style="text-align: right;">Page 44</p> <p>1 A. 1966, '67. 2 Q. And when did you stop working at Grumman? 3 A. 1988. 4 Q. And did you work in what was known as the 5 Farmingdale facility? 6 A. I worked there. I wasn't assigned on a 7 regular basis. I might have a project that might 8 keep me there a week or two, a month, but I've been 9 in and out of the Farmingdale office. 10 Q. So, throughout your 22 years or so while 11 working at Grumman, was the Farmingdale facility one 12 of the facilities that you regularly were present in? 13 MR. CHAO: Objection. 14 A. You know, I'm getting a little mixed up. 15 Could I go back? 16 Q. Sure. 17 A. You used the term Farmingdale. Farmingdale is 18 a town on Long Island, and Grumman had plants in 19 there. Honestly, I don't remember any specific -- 20 other than the Bethpage ones, plants at Farmingdale. 21 I'm sure they had it. They also had a facility in 22 Great River where I was really referring to when I 23 was talking about being assigned for a period of 24 time. So, I don't recall -- unless you include all 25 the Bethpage plants in the Farmingdale complex, I</p>
<p style="text-align: right;">Page 43</p> <p>1 positions. As an aircraft inspector, I worked in 2 some of the manufacturing plants; plants two, three 3 and four, primarily. And as a manager, I primarily 4 worked at plant 35, administrative building, the 5 Navy. 6 Q. Do you also recall working in plant 21 7 sometimes? 8 A. Plant 21, from what I recall, is like a test 9 facility where they brought in aircraft and performed 10 specialized testing on it. 11 Q. And would you sometimes have to go into 12 plant 21 to be involved in testing and inspection? 13 MR. HANNAN: Objection. 14 A. To witness the testing, yes. 15 Q. Okay. Let me ask that again. Was plant 16 21 one of the buildings that you went into during 17 your work at Grumman? 18 A. Yes. 19 Q. And did you go into plant 21 during your 20 work at Grumman in the 1970s? 21 A. Yes. 22 Q. In the 1960s? 23 A. Yes. 24 Q. Now, you started at Grumman in 25 approximately what year?</p>	<p style="text-align: right;">Page 45</p> <p>1 really don't recall working in a facility at 2 Farmingdale. 3 Q. Okay. Did you work at most of the 4 Grumman facilities on Long Island? 5 MR. CHAO: Objection. 6 A. A good majority of them, yes. 7 Q. Can you think of any you -- Grumman 8 facilities on Long Island where you did not work 9 during your 22-year career? 10 A. There might have been some office complexes 11 that I didn't work in. Most of the manufacturing and 12 testing facilities I was in. 13 Q. Now, were the manufacturing and testing 14 facilities different or the same as, I guess what 15 were known as hangars at the Grumman facilities? 16 A. Most of them were known as hangars. 17 Q. So, if you use the word "hangars," are 18 you referring to the areas where aircraft would be 19 tested at Grumman? 20 A. Um-hum. 21 Q. And was there piping in these hangars? 22 MR. CHAO: Objection. 23 A. Absolutely. 24 Q. And was there piping in the hangars at 25 Grumman that transported hot fluids?</p>

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

Page 46

1 MR. CHAO: Objection.
2 A. Yes.
3 Q. And how do you know that?
4 A. Heated, mostly these hangars were heated by
5 hot water heaters and installed on the overhead and
6 just re-insulated.
7 Q. Now, is there any way to give the jury a
8 sense of how much piping you would observe in the
9 hangars that you visited at Grumman?
10 A. Might have the heater and every two -- every
11 space. Hard to say. Enough to make it comfortable
12 for workmen to do their work.
13 Q. And do you know whether or not the
14 hot pipes that you observed that the hangars at
15 Grumman were covered?
16 A. I recall them being covered.
17 Q. And what do you recall about that?
18 A. That's about it. I have no idea what they may
19 have been covered with.
20 Q. Okay. So, as you sit here today, do you
21 know whether or not the pipe covering on hot piping
22 at Grumman contained asbestos?
23 A. Yes.
24 Q. Were you ever in the vicinity of this hot
25 piping in the hangars of Grumman when that pipe

Page 47

1 covering was disturbed --
2 MR. CHAO: Objection.
3 Q. -- or did you ever -- let me ask a
4 different question. Let me withdraw that.
5 Sir, do you think you may have been
6 exposed to any dust from any of the pipe covering
7 that was used in the hangars at Grumman?
8 A. Very possible.
9 Q. And why do you think you may have been
10 exposed to dust from pipe covering in the hangars at
11 Grumman?
12 A. Because there was always some sort of work
13 going on in the overhead. Either they were changing
14 the piping or changing the lighting. Always
15 something going on, and there was always dust coming
16 down.
17 Q. And do you remember that occurring on a
18 number of occasions?
19 A. Yes.
20 Q. Mr. Gitto, who was in charge of safety at
21 Grumman?
22 MR. CHAO: Objection to the form.
23 A. Grumman had a corporate safety department that
24 has, I believe, a responsibility with overall safety
25 operations there.

Page 48

1 Q. And when contractors would visit Grumman
2 to do the type of work that you described, would they
3 have to abide by the rules set by Grumman, to your
4 knowledge?
5 A. Absolutely.
6 Q. And why do you say "absolutely"?
7 A. Because they were monitored. They had safety
8 inspectors in the area that had all kinds of
9 information that was out there that if there were any
10 safety violations and how they should be reported.
11 Q. And who had safety inspectors in the
12 area?
13 A. Well, Grumman would have the responsibility.
14 Q. Sir, let me show you what has been marked
15 as Defendant's Exhibit 2, 3, and 4 to your
16 deposition. Starting with Exhibit -- Defendant's
17 Exhibit 2, can you just tell the jury what the title
18 of that notebook is?
19 A. "Safety Bulletins Manual."
20 Q. And what is the name above that?
21 A. "Grumman."
22 Q. And can you turn the cover so the camera
23 can see it?
24 (Witness complying with request)
25 Q. Okay. Thank you. Let me show you

Page 49

1 Defendant's Exhibit 3, and what is the title of that
2 notebook?
3 A. "Nondestructive Test Manual."
4 Q. And is there -- does it say on the cover
5 who -- whose manual that is?
6 A. "Grumman Quality Control Laboratory."
7 Q. Okay. And can you turn that --
8 A. "Grumman Aircraft Engineering Corporation."
9 Q. Okay. And can you turn that so the
10 camera can see it?
11 (Witness complying with request)
12 Q. Thank you. Defendant's Exhibit 4, could
13 you tell the jury what the cover page on the inside
14 cover states?
15 A. "Quality and Safety Operations."
16 Q. And is there a name?
17 A. "Grumman Military/Space Quality Procedures
18 Grumman."
19 Q. And can you show that to the jury? Show
20 that page to the jury.
21 (Witness complying with request)
22 Q. And is that your name on the top right
23 corner of that page?
24 A. Yes.
25 Q. Okay. Thank you, sir.

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

<p style="text-align: right;">Page 50</p> <p>1 Were these notebooks, Defendant's</p> <p>2 Exhibits 2, 3 and 4, issued to you while you were</p> <p>3 employed at Grumman?</p> <p>4 A. Yes.</p> <p>5 Q. And have you maintained custody of these</p> <p>6 notebooks until today?</p> <p>7 A. Yes.</p> <p>8 Q. Have you been able to find any reference</p> <p>9 to asbestos or the hazards of asbestos in any of</p> <p>10 these notebooks?</p> <p>11 A. No.</p> <p>12 Q. Prior to the mid- through late '80s, did</p> <p>13 you have any knowledge about their being any hazards</p> <p>14 associated with asbestos?</p> <p>15 A. Prior to the mid-'80s, no.</p> <p>16 Q. Did the manufacturers of any equipment</p> <p>17 warn you about any hazards of asbestos?</p> <p>18 MS. MITTLEMAN: Objection.</p> <p>19 A. No.</p> <p>20 Q. Prior to the mid-'80s, did Grumman ever</p> <p>21 give you any information about the hazards of</p> <p>22 asbestos?</p> <p>23 MR. CHAO: Objection.</p> <p>24 A. No.</p> <p>25 Q. How did you learn in approximately the</p>	<p style="text-align: right;">Page 52</p> <p>1 recognize it?</p> <p>2 A. My Navy identification badge. Allowed me</p> <p>3 access to and from Grumman.</p> <p>4 Q. And can you show that to the jury so the</p> <p>5 camera can see it?</p> <p>6 (Witness complying with request)</p> <p>7 Q. And it says the issue date is April 23,</p> <p>8 1974.</p> <p>9 A. Probably renewed it at that time.</p> <p>10 Q. Okay. And does this identification</p> <p>11 reflect that your employer was the United States</p> <p>12 Government and not Grumman?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Thank you.</p> <p>15 Sir, you testified at earlier depositions</p> <p>16 about your other jobs, which included work for the</p> <p>17 MTA; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. And do you know with any certainty</p> <p>20 whether you were exposed to asbestos at the MTA?</p> <p>21 A. With any degree of certainty, no.</p> <p>22 Q. You also discussed other jobs you had</p> <p>23 going all the way up to prior to you becoming ill</p> <p>24 when you had your own business. Do you remember</p> <p>25 that?</p>
<p style="text-align: right;">Page 51</p> <p>1 mid-'80s that asbestos was hazardous?</p> <p>2 A. I believe it was the Navy that started the</p> <p>3 program, started to survey all people that have</p> <p>4 worked anywhere near or around asbestos, and they</p> <p>5 started requiring chest X-rays for anybody that</p> <p>6 was... I believe that was the first thing I heard.</p> <p>7 Q. And that information came from the Navy?</p> <p>8 A. Navy.</p> <p>9 Q. Did Grumman ever supply you with any</p> <p>10 information about asbestos?</p> <p>11 A. Not that I recall.</p> <p>12 Q. During your entire career working at</p> <p>13 Grumman, who was your employer? Who was your</p> <p>14 official employer?</p> <p>15 A. United States Navy.</p> <p>16 MR. BLOCK: And can we mark this as</p> <p>17 Plaintiff's -- just Plaintiff's Exhibit next,</p> <p>18 please.</p> <p>19 (Whereupon, the referred-to document was</p> <p>20 marked Plaintiff's Exhibit 4 for</p> <p>21 Identification by the court reporter.)</p> <p>22 MR. BLOCK: And this is actually going to</p> <p>23 be Plaintiff's Exhibit 4.</p> <p>24 Q. And let me show you what has been marked</p> <p>25 as Plaintiff's Exhibit 4. Mr. Gitto, do you</p>	<p style="text-align: right;">Page 53</p> <p>1 A. No. I'm not sure what you're referring to.</p> <p>2 Q. Your last -- prior to becoming ill, sir,</p> <p>3 can you tell the jury what your job was, about your</p> <p>4 business?</p> <p>5 A. I was running a quality consulting business.</p> <p>6 Q. Okay. And what was the name of that</p> <p>7 company?</p> <p>8 A. SJG Enterprises.</p> <p>9 Q. Okay. Sir, I want to ask you some</p> <p>10 questions now about your family and what your life</p> <p>11 was like before you became ill with mesothelioma,</p> <p>12 okay? Why don't we start out with your wife, and</p> <p>13 tell the jury your wife's name again.</p> <p>14 A. Phyllis.</p> <p>15 MR. BLOCK: Okay. Let's mark these next</p> <p>16 exhibits as -- just in order.</p> <p>17 (Whereupon, the referred-to photographs</p> <p>18 were marked Plaintiff's Exhibits 5, 6, 7 and 8</p> <p>19 for Identification by the court reporter.)</p> <p>20 Q. Mr. Gitto, let me show you what has been</p> <p>21 marked as Plaintiff's Exhibit 5, 6 and 7. Before we</p> <p>22 go up to recent years, how did you and your wife</p> <p>23 meet?</p> <p>24 A. On a blind date.</p> <p>25 Q. And were you still a teenager at the</p>

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

<p style="text-align: right;">Page 54</p> <p>1 time?</p> <p>2 A. Sixteen.</p> <p>3 Q. And do you remember what you did on that</p> <p>4 blind date?</p> <p>5 A. Got my face slapped.</p> <p>6 Q. Seriously.</p> <p>7 A. We went to the movies.</p> <p>8 Q. You did. Okay. And do you remember what</p> <p>9 movie you saw?</p> <p>10 A. No. She probably does.</p> <p>11 Q. Okay. And over the years, have you and</p> <p>12 your wife enjoyed traveling?</p> <p>13 A. Very much so.</p> <p>14 Q. And with reference to some of the</p> <p>15 photographs that I've shown you, why don't we start</p> <p>16 with Plaintiff's Exhibit 5. If you can just look at</p> <p>17 it, and once you've looked at it, if you can turn it</p> <p>18 so the jury can see it, Mr. Gitto.</p> <p>19 A. I believe that's the Grand Canyon.</p> <p>20 Q. And was that one of the places you and</p> <p>21 your wife traveled to?</p> <p>22 A. Um-hum, bus tour.</p> <p>23 Q. All right. And was that within the last</p> <p>24 several years?</p> <p>25 A. Last five years maybe.</p>	<p style="text-align: right;">Page 56</p> <p>1 sunny place?</p> <p>2 A. This one was Florida.</p> <p>3 Q. Okay.</p> <p>4 A. I think Sanibel Island.</p> <p>5 Q. Can you show the jury that picture?</p> <p>6 (Witness complying with request)</p> <p>7 A. Captiva Island.</p> <p>8 Q. Okay, sir. Let me show you another</p> <p>9 picture -- strike that. Mr. Gitto, have you and your</p> <p>10 wife built a large family together?</p> <p>11 A. Yes.</p> <p>12 Q. Let me show you what's been marked as</p> <p>13 Plaintiff's Exhibit 8.</p> <p>14 A. This is all three children, seven</p> <p>15 grandchildren.</p> <p>16 Q. Take a minute if you need to. Could you</p> <p>17 -- could you tell -- where was that picture taken?</p> <p>18 A. My living room. Shows my oldest grandson, 21.</p> <p>19 Sorry.</p> <p>20 Q. That's okay. Can you tell us -- I know</p> <p>21 you have a lot of grandchildren.</p> <p>22 A. Seven.</p> <p>23 Q. And do you remember all their names, or</p> <p>24 can you do your best to tell us the name of your</p> <p>25 seven grandchildren?</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Okay. And can you show us Plaintiff's</p> <p>2 Exhibit 6 that you have in your hand?</p> <p>3 (Witness complying with request)</p> <p>4 Q. Where were -- where were you and your</p> <p>5 wife traveling that time?</p> <p>6 A. Not quite sure, honest to God. Could have</p> <p>7 been -- could have been Pennsylvania.</p> <p>8 Q. Okay. All right. If --</p> <p>9 A. I don't remember.</p> <p>10 Q. Okay. What's in the background there?</p> <p>11 A. It's like a canal of some sort, bridge, water.</p> <p>12 Q. Okay. And when you -- when you and your</p> <p>13 wife would travel, I see there's a backpack on your</p> <p>14 back there. Did you like to take trips where you had</p> <p>15 to be active?</p> <p>16 A. All the time.</p> <p>17 Q. And can you tell the jury a little bit</p> <p>18 about that?</p> <p>19 A. Well, both my wife and I enjoyed traveling,</p> <p>20 seeing new places, doing new things, and we'd take a</p> <p>21 lot of side trips, find a lot of interesting places.</p> <p>22 Q. Let me show you what's been marked as</p> <p>23 Plaintiff's Exhibit 7.</p> <p>24 A. Um-hum.</p> <p>25 Q. Do you recall where you were in that</p>	<p style="text-align: right;">Page 57</p> <p>1 A. I think so. Peter is the oldest, Jeffrey,</p> <p>2 Alexander -- that's not Alexander.</p> <p>3 Q. Andrew?</p> <p>4 A. Andrew, Katie, Nicky, Brian and Matthew.</p> <p>5 Q. That picture was taken here in your home?</p> <p>6 A. Yes.</p> <p>7 Q. And has that been something that you've</p> <p>8 always enjoyed, having your family come to your home</p> <p>9 here?</p> <p>10 A. As often as possible.</p> <p>11 Q. Thank you, sir. Has being active with</p> <p>12 your grandchildren been something that you've always</p> <p>13 enjoyed?</p> <p>14 A. Um-hum.</p> <p>15 MR. BLOCK: Let's mark this -- I'm just</p> <p>16 going to refer to this, for the record -- and</p> <p>17 we can mark it later -- as Plaintiff's Exhibit</p> <p>18 8.</p> <p>19 *****</p> <p>20 (Inadvertently referred to as a</p> <p>21 previously-marked exhibit number, Exhibit 8.</p> <p>22 For purposes of record, remarked by reporter</p> <p>23 as Exhibit 8(a). Please take note.)</p> <p>24 Q. Do you recognize that photograph, sir?</p> <p>25 A. That's me and one of my grandsons coming down</p>

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

<p style="text-align: right;">Page 58</p> <p>1 with the snowplow down the hill at Villa Roma, I 2 believe it was, in the Adirondacks. 3 Q. Tell the jury about Villa Roma and how 4 that related to the times you've spent with your 5 family. 6 A. We have a couple of weeks of time sharing. 7 One of the weeks is in the winter that we love to go 8 up and do skiing and snowplowing. 9 Q. Can you just show that picture to the 10 jury? 11 (Witness complying with request) 12 Q. I'm going to show you another picture, 13 which is -- which we'll mark as Plaintiff's Exhibit 14 9. Do you remember that trip? 15 A. Yeah. Guess leaning to the last number of 16 years, maybe ten years spent one week in the 17 Adirondacks at a lake called Loon Lake, and we liked 18 to take side trips, and this was a white-water 19 rafting trip that we took. 20 Q. And where are you in the picture? 21 A. That's me in the forefront (indicating). 22 Q. The front of the boat? 23 A. Front of the boat. 24 Q. Doing all the work? 25 A. Yes.</p>	<p style="text-align: right;">Page 60</p> <p>1 Exhibit 10 a photograph. 2 Q. And can you tell the jury what that 3 photograph depicts? 4 A. I think I need a minute. 5 Q. Okay. 6 MR. BLOCK: Can we go off the video for 7 just a moment? 8 (Whereupon, a brief recess was taken) 9 MR. BLOCK: Let's go back on the video. 10 THE VIDEOGRAPHER: Back on the record. 11 The time is 1:31 p.m. 12 A. I believe this picture was taken at the 13 ceremony where my oldest grandson became an Eagle scout, 14 and it shows the involvement of the rest of the 15 family, all the boys, the men in the family. 16 Q. I see that you have around you a vest of 17 some sort? 18 A. That's the Order of the Arrow sash. It's a 19 semi -- semi-secret scouting society that you only 20 enter in by invitation. 21 Q. And were you involved in the scouts with 22 both yourself and with your family up until the 23 present, up until about recently? 24 A. Still involved. 25 Q. Still are?</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. Can you show us, I think you -- I think 2 one of your sons and maybe one of your grandchildren 3 are pictured there. Could you maybe take this pen, 4 and while it's facing the jury, just point it out 5 or... 6 A. This is my oldest son, Stephen. 7 Q. Okay. 8 A. And that's his son Matthew. 9 Q. Okay. Can you hold that up, and I can 10 help you. 11 (Witness complying with request) 12 Q. So, your oldest son is Stephen at the 13 front of the boat with you, and your grandson, 14 Matthew, is in between the front of the boat? 15 A. Yes. 16 Q. And when was that trip? 17 A. Probably no more than two years ago. 18 Q. Was scouting, the Boy Scouts, always 19 something that you've enjoyed during your life? 20 A. As a boy there, got involved in scouting at 21 the age of 12, and to some extent, I guess I've 22 always been involved. All of my family, all my boys, 23 including my wife somewhat, have been involved in 24 scouting. 25 MR. BLOCK: Let me mark as Plaintiff's</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Yes. Couple of my sons are going for -- 2 heading towards Eagle scouts. 3 Q. Have you taken leadership positions with 4 the Scouts? 5 A. I was and held positions as assistant scout 6 master, scout master, chairman; as my wife held 7 positions, responsibilities with cub scouts. 8 Q. And is that always something you've 9 enjoyed in your life? 10 A. Always. 11 Q. Tell me about the holidays, such as 12 Christmas, and how you would spend those holidays 13 with your family? 14 A. Normally we did, at least once on the 15 holidays, all try to get together and have dinner 16 here. It's such a big family, sometimes it's 17 difficult, but we usually manage once. We'll all get 18 together. 19 Q. Let me show you what's been marked as 20 Plaintiff's Exhibit 11. 21 A. Goes back a few years with me dressed up as 22 Santa Claus. 23 Q. And are those all seven of your 24 grandchildren with you there? 25 A. All seven accounted for.</p>

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

<p style="text-align: right;">Page 62</p> <p>1 Q. Do you remember where that picture was 2 taken? 3 A. Pretty sure it was in the living room here. 4 Q. Thank you, sir. Sir, how has your 5 diagnosis of mesothelioma affected you physically as 6 compared to how you were physically before the 7 disease? 8 A. Night and day. I had no serious medical 9 problems, although I had been diagnosed with -- 10 Q. Prostate cancer? 11 A. Prostate cancer close to 20 years ago, and 12 they never really did anything for it except for 13 watchful waiting and never really had any other 14 serious medical -- I had a melanoma mole that was 15 removed. It was diagnosed. It was no problem. 16 Until recently, no other serious medical problem. 17 Q. You said that the mesothelioma has 18 changed you physically night and day. 19 A. Night and day. 20 Q. Can you describe that for the jury so 21 they understand? 22 A. How could I describe it? It's just changed my 23 life. I really couldn't describe it at this point in 24 time. It still hasn't all sunk in, I guess. 25 Q. Are you able to do the same types of</p>	<p style="text-align: right;">Page 64</p> <p>1 emotionally? 2 A. Elevated my emotions very, very close to the 3 surface. Sometimes as I start talking, I can't 4 continue. It's brought everything to a heightened 5 effect. 6 Q. Do you feel anxious or worried? 7 A. Obvious, not knowing what the future brings, 8 but one always remains with hope. 9 Q. Are there things that you're not able to 10 do for your wife around the house or things you're 11 not able to do with your wife now that you were able 12 to do before? 13 A. Just about everything. She's taken over, 14 quite well. I'm very little help to her. We're 15 lucky that we're back here with the help of our 16 children and able to spend some time with us, give 17 her a hand. 18 Q. Did you find out yesterday the results of 19 a recent PET scan? 20 A. Yeah. 21 Q. And what is your understanding of your 22 condition right now? 23 A. After three phases of chemo, there really 24 hasn't been much change. Might have noticed some 25 slight improvement. Some may have noticed some areas</p>
<p style="text-align: right;">Page 63</p> <p>1 things physically now as to compared before you had 2 your mesothelioma? 3 A. No, not even close. 4 Q. What type of things does the mesothelioma 5 prevent you now from doing physically? 6 A. I won't drive the car by myself. I have a 7 difficult time climbing steps, but I can climb very 8 slowly. Only physical activity that I'm ever able to 9 perform, a little, some short walks. I can still 10 dress myself, shower, but very carefully. I'm 11 undergoing chemotherapy, which is taking a toll on 12 me. Pretty horrible, and that debilitates almost all 13 the other functions. 14 Q. What are some of the symptoms or side 15 effects that you've experienced through the 16 chemotherapy? 17 A. For one, I've lost half my hearing, which is 18 not a pleasant thing. Tingling in the feet. I can 19 barely feel my soles and -- sorry. There's nausea. 20 There's some pain, not too bad. The body functions 21 are all screwed up. Still have to have that 22 straightened out. Different medications have 23 different side effects, so... 24 Q. How has the mesothelioma affected your -- 25 strike that. How has the mesothelioma affected you</p>	<p style="text-align: right;">Page 65</p> <p>1 of some deterioration and other areas of no change. 2 So, not much has changed. 3 Q. I understand you're going to meet with 4 your oncologist on Monday? 5 A. Um-hum. 6 Q. And are you aware of decisions that you 7 are going to have to make for your future? 8 A. Um-hum. 9 Q. And can you tell the jury what your 10 understanding is of those? 11 A. I'd rather not. 12 Q. Okay. Is it hard to talk about? 13 A. Right now, yes. 14 Q. You mentioned before, sir, that you never 15 give up hope. 16 A. It's part of religion. 17 Q. Is there any way for you to describe to 18 the jury your outlook going forward? 19 A. Kind of said from the beginning when this 20 happened that I'm really not afraid of dying. I know 21 everybody gets born, everybody lives a life, and 22 everybody dies. I think it's the quality of life 23 that's important. I think I had a good life. I 24 don't think I could have asked for much more, and 25 pray for an easy and a bless-ful death.</p>

Gitto v. Asbestos
June 7, 2007

Salvatore Gitto
Video

Page 66

1 MR. BLOCK: Thank you very much, sir.
2 THE VIDEOGRAPHER: Off the record. The
3 time is 1:42 p.m.
4 (Whereupon, a brief recess was taken)
5 MR. BLOCK: Just for the stenographic
6 record, defense counsel has indicated they
7 have no cross-examination at this point. So,
8 the discovery deposition is complete, and the
9 video deposition is complete. Thank you very
10 much.
11 (Whereupon, the referred-to photographs
12 were was marked Plaintiff's Exhibits 8(a), 9,
13 10 and 11 for Identification by the court
14 reporter.)
15 (Time Noted: 1:47 p.m.)
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Page 68

1 CERTIFICATE
2
3 I, DORENE MAROTTA, a Notary Public and
4 Certified Shorthand Reporter sworn within the State
5 of New York, do hereby certify that prior to the
6 commencement of the examination
7
8 SALVATORE GITTO
9
10 was sworn by me to testify the truth, the whole truth
11 and nothing but the truth.
12 I DO FURTHER CERTIFY that the foregoing is a
13 true and accurate transcript of the testimony as
14 taken stenographically by and before me at the time,
15 place and on the date herein before set forth.
16 I DO FURTHER CERTIFY that I am neither a
17 relative of nor employee, nor attorney, nor counsel
18 for any of the parties to this action, and I am
19 neither a relative nor employee of such attorney or
20 counsel, and that I am not financially interested in
21 the action.
22
23
24
25 _____
DORENE MAROTTA, C.S.R.

Page 67

1 CERTIFICATION OF WITNESS
2
3 I have read the foregoing transcript of my
4 deposition, and find it to be true and accurate to
5 the best of my knowledge and belief.
6
7
8
9
10
11 _____
SALVATORE GITTO
12
13
14 Sworn and subscribed to before me on
15 this _____ day
16 of _____, 2007.
17
18
19
20 Notary Public _____
21 My commission expires _____
22
23
24
25